

Remarks

A. Claims in the Case

Claims 1-27, 30-37, 39-48, 50-60, 62-85, 87-101, 104-148 are pending. Claims 1-27, 30-37, 39-48, 50-60, 62-85, 87-101, 104-148 have been rejected. Claims 1, 53-60, 62-71, 113 and 146 have been amended.

B. The Claims Are Not Obvious Over Guinta in View of Barton Under 35 U.S.C. 103(a)

Claims 1-24, 28-47, 39-47, 52-57, 62-64, 71-73, 78-85, 102-112, 144, and 145 were rejected as being unpatentable over by U.S. Patent No. 5,737,494 to Guinta et al. (hereinafter "Guinta") in view of U.S. Patent Publication 2002/0059093 by Barton et al. (hereinafter "Barton"). Applicant respectfully disagrees with these rejections.

To reject a claim as obvious, the Examiner has the burden of establishing a *prima facie* case of obviousness. *In re Warner et al.*, 379 F.2d 1011, 154 U.S.P.Q. 173, 177-178 (C.C.P.A. 1967). To establish a *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

Amended claim 1 describes a combination of features including:

the computer system receiving a first input from an input device, the first input reflecting the assessor's perception of the organizational process or system

...

the computer system determining a second allowed input range based on the first input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input; and

the computer system receiving a second input from the user corresponding to the assessor's perception of the expected effectiveness of a process or system after a recommended change is made, the second input being made by the assessor by selecting a value within the second allowed input range

The cited art does not appear to teach or suggest at least the above-quoted feature of claim 1, in combination with the other features of claim 1.

The Examiner states:

Guinta discloses receiving a second input from the user corresponding to the assessor's perception of the expected effectiveness of a process or system after a recommended change is made (i.e., assessor's perception of the results achieved by the organizational process or system, wherein the results would inherently include any changes made to the system or process, column 17, lines 1-12)

Applicant respectfully disagrees that Guinta discloses receiving a second input corresponding to an assessor's perception of the expected effectiveness of a process or system after a recommended change is made, in combination with the other features of claim 1. Guinta states:

FIG. 3 depicts a system analogous to that of FIG. 1, except the initial question is:

"How well would you rate the results achieved by the system?"

In FIG. 3, a third numerical input is input into the system, the third numerical input reflecting the assessor's perception of the results achieved by the organizational process or system. A filtering apparatus similar to the filtering system shown in FIG. 1 may also be employed. Box Z in FIG. 3 may represent subsequent questions to be asked.

(Guinta, column 17, lines 3-12) (emphasis added)

The cited portion of Guinta appears to disclose receiving a numerical input reflecting an assessor's perception of the results achieved by an organizational process or system. Thus, the cited portion of Guinta appears to seek input relating to a perception of results achieved by a process or system, not an expected effectiveness of a process or system. For at least this reason, Guinta, alone or in combination with the other cited art, does not appear to teach or suggest receiving a second input from a user corresponding to the assessor's perception of the expected effectiveness of a process or system after a recommended change. "All the words in a claim must be considered in judging the patentability of that claim against the prior art." (emphasis added) *In re Wilson*, 424 F.2d 1382, 1385 (C.C.P.A. 1970).

The Examiner acknowledges that Guinta does not explicitly disclose determining a second allowed input range based on a first input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input. The Examiner states:

while Guinta et al does not explicitly disclose determining a second allowed input range based on the first input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input, Guinta et al does disclose a second numerical input indicating how extensively a process or system is deployed (column 7, lines 39-41), wherein the second input may be relatively low in comparison to the first input. As such, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include determining a second allowed input range based on the first input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input in Guinta et al. as an effective means of determining the necessary corrective action to implement, thus making Guinta et al. more robust and flexible.
(Office Action, page 24-25) (emphasis added)

Applicant disagrees that it would have been obvious in view of the cited art to include determining a second allowed input range based on the first input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input based on the cited art. Guinta states:

the first numerical input reflects an assessment as to whether the organizational process or system can address an issue. The second numerical input then reflects how extensively the organizational process or system is actually deployed to address that issue. In other words, does the assessed process or system actually operate or does it sit on the shelf and/or only theoretically operate? For instance, a process or system may have a high (e.g., 90%) first numerical input indicating that the process or system has a favorable ability to address the issue, but the second numerical input may be relatively low (e.g., 30%), indicating that process or system is not widely deployed.
(Guinta, column 7, lines 37-48) (emphasis added)

Applicant submits that the second input requested in Guinta of “how extensively a process is deployed” -- e.g., does it “actually operate” or does it “sit on the shelf” -- is a different question than an assessor’s perception of the expected effectiveness of a process or system after a recommended change is made.

In addition, as the Examiner correctly notes, Guinta discloses a second input that may be relatively low in comparison to the first input. By allowing a second input value that may be “relatively low compared to the first input”, Guinta appears to teach away from the features of

claim 1 of determining a second allowed input range based on a first input wherein the second allowed input range is limited to values equal to or greater than the value of the first input; and the second input being made by the assessor by selecting a value within the second allowed input range. For example, Guinta appears to disclose that the first input in response to “How well does your process address this issue?” might be “high” at 90%, while the second input in response to “How well is your process deployed?” might be “relatively low” at 30 %. In any event, Guinta does not appear to disclose an allowed input range with values equal to or greater than the first input. For at least these reasons, Applicant submits that Guinta, alone or in combination with the other cited art, does not teach or suggest determining a second allowed input range based on the first input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input; and receiving a second input from the user corresponding to the assessor’s perception of the expected effectiveness of a process or system after a recommended change is made, the second input being made by the assessor by selecting a value within the second allowed input range, in combination with the other features of claim 1.

For at least the foregoing reasons, Applicant submits that claim 1 and the claims dependent thereon are allowable over the cited art.

For at least reasons similar to those stated above with respect to claim 1, Applicant submits that amended claims 40, 53, 144, and the claims dependent thereon are allowable over the cited art.

Claim 71 describes a combination of features including:

wherein selecting the first value on a first user adjustable icon limits the range of values displayed for selection on a second user adjustable icon

The Examiner continues to rely on Guinta, figure 5E with respect to the above-quoted feature of claim 71. The Examiner refers to the “sliding bar scale, figure 5E”. Guinta states:

FIG. 5E prompts the assessor to input a second numerical input which reflects the assessor’s perception of how well the process is deployed. In other words, the assessor inputs a numerical evaluation of how extensively the assessed process (or system is actually used or deployed (Guinta, column 18, lines 37-40).

Guinta appears to disclose prompting an assessor to input a first numerical input for “how well does your process address this issue?” and a second numerical input for “how well is your process deployed?” Guinta does not appear to teach or suggest wherein selecting the first value on a first user adjustable icon limits the range of values displayed for selection on a second user adjustable icon, in combination with the features of claim 71. Indeed, as noted above with respect to claim 1, the first input and the second input appear to be distinct assessments about a process.

the first numerical input reflects an assessment as to whether the organizational process or system can address an issue. The second numerical input then reflects how extensively the organizational process or system is actually deployed to address that issue.

(Guinta, column 7, lines 37-40) (emphasis added)

For at least the reasons set forth above, Applicant submits that claim 71 and the claims dependent thereon are allowable over the cited art.

C. The Claims Are Not Obvious Over Guinta Pursuant To 35 U.S.C. § 103(a)

Claims 65, 66, 69, 70, 113, 114, and 118-122 and 146-148 were rejected as being unpatentable over Guinta under 35 U.S.C. §103(a). Applicant respectfully disagrees with these rejections.

Claim 65 describes a combination of features including:

determine a second allowed input range for a second user adjustable icon based on the first quantitative input, wherein the second allowed input range is limited to values equal to or greater than the value of the first quantitative input;

display the second user adjustable icon, with the second allowed input range; and

receive a second quantitative input from the user corresponding to the user's perception of the expected effectiveness of a process or system after a recommended change is made, the second quantitative input being made by the user by positioning an indicator at a point within the second allowed input range on the second user adjustable icon.

The cited art does not appear to teach or suggest at least the above-quoted feature of claim 65, in combination with the other features of claim 65.

The Examiner states:

Guinta et al does not explicitly disclose determining a second allowed input range for a second user adjustable icon based on the first quantitative input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input. However, Guinta et al disclose a second numerical input indicating how extensively a process or system is deployed (column 7, lines 39-41), wherein the second input may be relatively low in comparison to the first input. As such, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include determining a second allowed input range based on the first input, wherein the second allowed input range is limited to values equal to or greater than the value of the first input in Guinta et al. as an effective means of determining the necessary corrective action to implement, thus making Guinta et al. more robust and flexible.

(Office Action, page 17-18) (emphasis added)

Applicant respectfully disagrees with the Examiner's position. As noted by the Examiner and as discussed above with respect to claim 1, Guinta discloses a second input that can be relatively low in comparison the first input (in which, for example, the first input can be 90% and the second input can be 30%). For at least these reasons, Guinta does not appear to teach or suggest determining a second allowed input range for a second user adjustable icon based on the first quantitative input, wherein the second allowed input range is limited to values equal to or greater than the value of the first quantitative input; displaying the second user adjustable icon with the second allowed input range; and receiving a second quantitative input from the user corresponding to the user's perception of the expected effectiveness of a process or system after a recommended change is made, the second quantitative input being made by the user by positioning an indicator at a point within the second allowed input range on the second user adjustable icon, in combination with the other features of claim 65.

Claim 113 describes a combination of features including:

the computer system receiving a first quantitative input from a user, the first input corresponding to movement of the first user adjustable icon;

the computer system determining a second allowed input range for a second user adjustable icon based on the first input, wherein the bottom of the determined second

allowed input range for the second user adjustable icon is the value of the first quantitative input;

the computer system displaying the second user adjustable icon such that the full width of the second user adjustable icon corresponds to the determined second allowed input range; and

the computer system receiving a second quantitative input from the user, the second input corresponding to movement of the second user adjustable icon

The cited art does not appear to teach or suggest at least the above-quoted feature of claim 113, in combination with the other features of claim 113.

The Examiner states:

Guinta et al does not explicitly wherein the bottom of the determined second allowed input range for the second user adjustable icon is the value of the first quantitative input and displaying the second user adjustable icon such that the full width of the second user adjustable icon corresponds to the determined second allowed input range. However, Guinta et al disclose a second numerical input indicating how extensively a process or system is deployed (column 7, lines 39-41), wherein the second input may be relatively low in comparison to the first input. As such, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the bottom of the determined second allowed input range for the second user adjustable icon is the value of the first quantitative input and displaying the second user adjustable icon such that the full width of the second user adjustable icon corresponds to the determined second allowed input range in Guinta et al. as an effective means of determining the necessary corrective action to implement, thus making Guinta et al. more robust and flexible.
(Office Action, page 19-20) (emphasis added)

Applicant respectfully disagrees with the Examiner's position. As noted by the Examiner and as discussed above with respect to claim 1, Guinta discloses a second input that can be relatively low in comparison the first input (in which, for example, the first input can be 90% and the second input can be 30%). For at least these reasons, Guinta does not appear to teach or suggest a computer system determining a second allowed input range for a second user adjustable icon based on a first input, wherein a bottom of the determined second allowed input range for the second user adjustable icon is the value of the first quantitative input. Moreover, in any event, nothing about having a relatively low input indicating how extensively a process is deployed would make it obvious to one of ordinary skill in the art to have a bottom of a second range that is the same as the first quantitative input and such that the full width of the second user adjustable icon corresponds to the determined second allowed input range. For at least these

reasons, Guinta, alone or in combination with the other cited art, does not appear to teach or suggest a computer system displaying a second user adjustable icon such that the full width of the second user adjustable icon corresponds to the determined second allowed input range; and the computer system receiving a second quantitative input from the user, the second input corresponding to movement of the second user adjustable icon, in combination with the other features of claim 113.

For at least the reasons set forth above, Applicant submits that claim 65 and 113 and the claims dependent thereon are allowable over the cited art.

D. Additional Remarks

Based on the above, Applicant respectfully requests favorable reconsideration.

Applicant requests a one-month extension of time to file this response. If any additional extension of time is required, Applicant respectfully requests the additional extension of time. If any fees are omitted or if any fees are required, please charge those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5078-02500/EBM.

Respectfully submitted,



Chris D. Thompson
Reg. No. 43,188

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT, & GOETZEL, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

Date: 4-16-2009